

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KEVIN JOSEPH WASHINGTON, JR.,

Plaintiff,

v.

KRAUSE, MICHAEL GLASS, and WINKLER,

Defendants.

OPINION and ORDER

24-cv-821-jdp

Plaintiff Kevin Joseph Washington Jr., proceeding without counsel, is currently incarcerated at Green Bay Correctional Institution. Washington alleges that he injured his finger in his cell's trap door and received inadequate medical care for his injuries. He filed this lawsuit in the United States District Court for the Eastern District of Wisconsin; that court allowed him to proceed without prepayment of any portion of the filing fee, Dkt. 8, and transferred the case to this court, Dkt. 9.

The next step is for me to screen Washington's complaint and dismiss any portion that is legally frivolous or malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. §§ 1915 and 1915A. In doing so, I must accept his allegations as true and construe the complaint generously, holding it to a less stringent standard than formal pleadings drafted by lawyers. *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011). I conclude that Washington's current allegations don't properly place defendants on notice of his federal claims against them, but I will give him a chance to file an amended complaint to better explain his claims.

ANALYSIS

Washington's allegations are somewhat difficult to understand, but I take him to be saying that defendant Sergeant Krause negligently shut the "trap" door of Washington's cell on Washington's finger. Washington received medical care the next day. He continued to suffer pain, but an unidentified nurse didn't get him more or better pain medication.

These allegations likely state at least two claims: an Eighth Amendment claim for relief against the unidentified nurse who didn't help him after he complained of continued pain, and a Wisconsin-law negligence claim against Krause for closing the door on his finger. But Washington doesn't explain who the nurse is; I can't tell if he means that it was the nurse he names in the complaint, defendant Nurse Winkler. He also names Michael Glass as a defendant but he doesn't explain Glass's job title or explain his role in the events. I also can't tell if Washington means to bring claims against any of the defendants for failing to help him the day of the incident instead of waiting for the day after; if he does, he doesn't explain which defendants are responsible for that violation.

Washington's allegations are not clear enough to put defendants on notice of his federal claims against them, so I will order him to submit an amended complaint fixing his pleading problems. In drafting his amended complaint, Washington should remember to do the following:

- Carefully consider whether he is naming proper defendants and omit defendants who did not personally cause or participate in a violation of his rights.
- Identify all of the individuals who he wishes to sue in the caption of the complaint.
- Describe simply and concisely what actions he believes that each defendant took that violated his rights, using separate, numbered paragraphs. In particular, he should explain who failed to give him medical care after he complained of continued pain.

ORDER

IT IS ORDERED that:

1. Plaintiff Kevin Joseph Washington Jr. may have until February 17, 2025, to submit an amended complaint as directed in the opinion above.
2. The clerk of court is directed to send plaintiff a copy of the court's prisoner complaint form.

Entered January 27, 2025.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge